

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL No. 1456

Civil Action No: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO:

State of Nevada v. American Home Products
Corp., et al.,
Civil Action No. 02-CV-12086-PBS

DEFENDANT SICOR INC.'S MOTION FOR LEAVE TO FILE UNDER SEAL

Pursuant to Paragraphs 15 and 29 of the Protective Order entered by this Court on December 13, 2002 (the "Protective Order"), defendant Sicor Inc.¹ respectfully moves for leave to file under seal (a) portions of Defendant Sicor Inc.'s Memorandum in Support of Its Motion for Summary Judgment ("Sicor's Memorandum"); (b) portions of Defendant Sicor Inc.'s Concise Statement of Undisputed Material Facts in Support of Its Motion for Summary Judgment ("Sicor's "Concise Statement"); and (c) Exhibits A and B to the Declaration of Sekret T. Sneed in Support of Defendant Sicor Inc.'s Motion for Summary Judgment (the "Sneed Declaration").

Sicor's Memorandum and Sicor's Concise Statement each quote directly and incorporate information from the (i) Calculation of Damages and Penalties for the State of Nevada – Declaration of Raymond S. Hartman, and the (ii) Calculation of Damages and Penalties for the State of Nevada – Supplementary Declaration of Raymond S. Hartman, which are attached as

¹ The State names Sicor Inc., Genesia Sicor Pharmaceuticals Inc. and Genesia, Inc. (collectively, "Sicor Group") as defendants in the Amended Complaint. All three entities, however, are various versions of Sicor Inc. Genesia, Inc. became Genesia Sicor Pharmaceuticals, Inc., which became Sicor Inc. in 2003. As a result, this Motion will refer to the "Sicor Group" as Sicor Inc.

Exhibits A and B, respectively, to the Sneed Declaration, and which have been designated by the Plaintiffs as “confidential” pursuant to the Protective Order.

Paragraph 15 of the Protective Order requires that any documents or pleadings filed with the Court that contain either “Confidential” or “Highly Confidential” information be filed under seal. In compliance with the Protective Order, Sicor requests leave to file portions of its Memorandum, portions of its Concise Statement, and Exhibits A and B to the Sneed Declaration under seal.

In accordance with Paragraph 29 of the Protective Order, Sicor has filed as public documents redacted versions of its Memorandum, Concise Statement, and Sneed Declaration. The unredacted version of its Memorandum, Concise Statement and Sneed Declaration, including Exhibits A and B, are being filed in accordance with Paragraph 15 of the Protective Order.

SICOR INC.,

By their attorneys,

/s/ Pamela Zorn Adams

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DATED: February 8, 2007

Local Rule 7.1 (A)(2) Certification

Undersigned counsel for Sicor Inc. hereby certifies that Sekret T. Sneed, Esq. has conferred with counsel for Plaintiff in an attempt to resolve the issues raised by this motion.

/s/ Pamela Zorn Adams

Certificate of Service

I hereby certify that on February 8, 2007, copies of the foregoing motion were served on all counsel of record via ECF and LEXIS/NEXIS File and Serve.

/s/ Pamela Zorn Adams